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APPLICATION NUMBER	07/14/97 FILING DATE	HALLOW	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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12M2/0225

REAME	EXAMINER
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ART. UNIT	PAPER NUMBER
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02/25/97

DATE MAILED:

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

**OFFICE ACTION SUMMARY**

- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

**Disposition of Claims**

- ☒ Claim(s) 1 To 3 4 is/are pending in the application.
- Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1 To 3 4 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

**Application Papers**

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

- ☒ Notice of Reference Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 to 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kais et al and Powell et al in combination with Parker, Kimura et al and Fordtram. The reference to Kais et al teaches the use of a fiber bulking agent and an ionic wetting agent such as dioctyl sodium sulfosuccinate in a composition to improve the bowel function, as a laxative. Powell et al teaches the use of psyllium as a fiber bulking agent along with polyethylene glycol, a non-ionic surface active agent, as a wetting agent for the same purpose. The ratio of the psyllium to PEG is up to 5% PEG. Parker teaches the use of PEG and other non-ionic surface active agents as a substitute for dioctyl sodium sulfosuccinate. The last two references, Kimura et al and Fordtram, teach the use of polyethylene glycol alone as a laxative. It would be obvious from the teaching of Parker that one could substitute polyethylene glycol for dioctyl sodium sulfosuccinate in the composition of Kais et al given the teaching of equivalence by Parker. The use of a higher ratio of polyethylene glycol in the composition of Powell et al is considered to be obvious given the teachings of Kimura et al and Fordtram that the polyethylene glycol alone has a laxative activity.

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The combination renders the instant composition prima facie obvious absent evidence of unexpected results.

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura et al or Fordtram. Each of the references teach compositions which contain polyethylene glycol as a laxative. The use of these compositions to improve bowel movement is obvious on its face. The instant method is considered to be taught by these references.

*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references show other related compositions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Reamer whose telephone number is (703) 308-4461.

  
JAMES H. REAMER  
PRIMARY EXAMINER  
GROUP 120 - ART UNIT 1205

JHR

February 20, 1997